

**ULSTER TOWN BOARD MEETING**

May 17, 2012 AT 7:00 PM

**CALLED TO ORDER BY SUPERVISOR QUIGLEY, CHAIRMAN at 7 PM**

**SALUTE TO THE FLAG** was led by Boy Scout Brian Rafferty, from Troop #8

**ROLL CALL BY CLERK**

TOWN COUNCILMAN JOEL B. BRINK

TOWN COUNCILMAN ERIC KITCHEN

TOWN COUNCILWOMAN CRIS HENDRICK

TOWN COUNCILMAN JOHN MORROW

SUPERVISOR JAMES QUIGLEY 3<sup>rd</sup>

**APPROVAL OF MINUTES FROM PREVIOUS MEETINGS**

Councilman Brink motioned to accept the minutes of the April 5, 2012 and April 19, 2012 meetings.

2<sup>nd</sup> by Councilwoman Hendrick

All Ayes

**COMMUNICATIONS**

There was no communication read.

**ABSTRACT OF CLAIMS**

Councilman Morrow motioned to approve the May 2012 abstract as submitted.

2<sup>nd</sup> by Councilman Brink

All Ayes

**BUDGET MODIFICATIONS**

Councilman Brink moved to approve the following:

**General Fund:**

Modify Revenue A1289 (DWI-Task Force) and Appropriation A3120.102 (DWI-Wages) Mar. DWI wage reimb.	656.83
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Modify Appropriation A7140.401 (Rec.Equip.Rsrv) to be funded through A5110 (Approp.Rsrv-Biddy Basketball) necklaces from Hat World	1,524.00
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Modify Appropriation A7140.401 (Rec.Equip.Rsrv) to be funded through A5110 (Approp.Rsrv-Softball League) bases, paint, anchor plugs from Hat World	431.46
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Modify Appropriation A7140.401 (Rec.Equip.Rsrv) to be funded through A5110 (Approp.Rsrv-Softball League) clay bricks from Herzog's	225.00
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Modify Appropriation A7140.401 (Rec.Equip.Rsrv) to be funded through A5110 (Approp.Rsrv-Softball League) rake, lime, broom, concrete mix from Lowe's	223.24
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Modify Appropriation A7140.401 (Rec.Equip.Rsrv) to be funded through A5110 (Approp.Rsrv-Softball League) registration fee to USSSA Dist. Director	200.00
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Modify Appropriation A7140.401 (Rec.Equip.Rsrv) to be funded through A5110 (Approp.Rsrv-Softball League) softballs & scorebooks from Anaconda Sports	475.30
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Modify Appropriation A7140.401 (Rec.Equip.Rsrv) to be funded through A5110 (Approp.Rsrv-Softball League) bulbs from Eastern States Electrical	306.18
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Modify Revenue A2705 (Gifts & Donations) and Appropriation A3120.3120.431 (Detective Division) grant from Walmart to purchase equipment for the Detective Division	1,500.00
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Modify Appropriation A7140.401 (Rec.Equip.Rsrv) to be funded through A5110 (Approp.Rsrv-Softball League) electric-Orlando St. Ballfield	346.43
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### **Highway Fund:**

Modify Revenue D1289(Oth.Dept.Income) and Appropriation D5142.420 (Gas & Oil) Mar. Gas Reimb. (Oper.Funds)	10,461.66
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Modify Revenue D1289(Oth.Dept.Income) and Appropriation D5142.420 (Gas & Oil) Mar. Gas Reimb. (Ulster Hose #5)	462.75
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Modify Revenue D1289(Oth.Dept.Income) and Appropriation D5142.420 (Gas & Oil) Mar. Gas Reimb. (Ruby Fire Dist.)	385.22
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Modify Revenue D1289(Oth.Dept.Income) and Appropriation D5142.420 (Gas & Oil) Apr. Gas Reimb. (Ruby Fire Dist.)	280.36
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Modify Revenue D1289(Oth.Dept.Income) and Appropriation D5142.420 (Gas & Oil) Mar. Gas Reimb. (Town of Kingston Hwy. Dept.)	753.46
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Modify Revenue D1289(Oth.Dept.Income) and Appropriation D5142.420 (Gas & Oil) Apr. Gas Reimb. (Town of Kingston Hwy. Dept.)	553.82
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### **Whittier Sewer:**

Modify Revenue SS1-2680 (Insur.Recoveries) and Appropriation SS1-8760.400 (Emergency Disaster Work) check from Travelers for Hurricane Irene damage	81,143.86
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2<sup>nd</sup> by Councilwoman Hendrick

All Ayes

### **Presentation by Brian Rafferty on his Eagle Scout project at the Town Park on Elmendorf Drive**

Mr. Brian Rafferty gave an overview of his Eagle Scout Project. He raised money to purchase playground equipment and organized the labor to install it at the Elmendorf Drive Park. He also installed some benches for people to rest on while viewing the playground. He gave the town a check for the surplus money from his fundraiser to help maintain the Town Park.

Councilman Brink moved to recognize Brian Rafferty for his hard work in improving the Elmendorf Drive Town Park, his fundraising effort and turning those processes over to the Town

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2<sup>nd</sup> by Councilman Kitchen  
All Ayes

**Schedule a Public Hearing for Special Use Permit for Bread Alone, 2105 Ulster Avenue, Lake Katrine, June 7, 2012, 8:00 PM**

Town Attorney, Jason Kovacs, reported that Bread Alone is seeking a special permit to conduct the business of a bakery which is considered a light industrial use in a highway commercial zone.

Councilman Morrow moved to schedule a public hearing for Special Use Permit for Bread Alone, located on 2105 Ulster Avenue, Lake Katrine, for June 7, 2012, at 8:00 PM  
2<sup>nd</sup> by Councilman Kitchen  
All Ayes

**PUBLIC COMMENTS**

Mr. Robert Barton inquired about the seasonal employees to be hired.

Highway Superintendent, Frank Petramale, reported that they use them to help to cut grass and maintain the Town.

**Resolution granting Special Use Permit and Site Plan Approval for Warwick Properties, Inc. – Ulster Gardens SBL 48.58-7-21.10.**

A representative of the developer gave a brief overview of the property. A discussion followed about the traffic flow to and from the area as well as some drainage issues.

Councilman Kitchen moved to approve the following:

**RESOLUTION TOWN OF ULSTER TOWN BOARD**

**Site Plan and Special Permit Approval**

*Warwick Properties, Inc. - Ulster Gardens*

Section-Block-Lot: 48.58-7-21.10

**WHEREAS**, the Town of Ulster Town Board has received an application by *Warwick Properties, Inc.* to subdivide a 51.16-acre parcel (SBL 48.58-7-21.10) into two parcels of 3.46 acres and 46.25 acres while dedicating 1.45 acres to the Town of Ulster for the purpose of extending Quail Drive to Memorial Drive within a 50-foot wide right-of-way; *cluster development* approval by the Planning Board pursuant to Section 278 of NYS Town Law; and *site plan and special use permit* approval to develop a 112-unit Senior Living Community and 52-Multi-family development on the 46.25-acre site is also requested; and

**WHEREAS**, materials submitted in support of the Proposed Action included:

- *Site Plan Application* prepared by Chazen Engineering & Surveying, P.C, dated 12/14/11;
- *Subdivision Application* prepared by Chazen Engineering & Surveying, P.C, dated 12/14/11;
- *Written Narrative* prepared by Chazen Engineering & Surveying, P.C, dated 12/14/11;
- *SEQRA Full EAF Part 1* prepared by Chazen Engineering & Surveying, P.C, dated 12/14/11;
- *Existing Conditions Survey* prepared by Chazen Engineering & Surveying, P.C, dated 12/14/11;
- *Overall Site Plan* prepared by Chazen Engineering & Surveying, P.C, dated 12/14/11;
- *Site Plan* prepared by Chazen Engineering & Surveying, P.C, dated 12/14/11;

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- *Grading & Drainage Plan* prepared by Chazen Engineering & Surveying, P.C, dated 12/14/11;
- *Utility Plan* prepared by Chazen Engineering & Surveying, P.C, dated 12/14/11;
- *Erosion & Sediment Control Plan* by Chazen Engineering & Surveying, P.C, dated 12/14/11;
- *Fire Apparatus Access Plan* by Chazen Engineering & Surveying, P.C, dated 12/14/11;
- *Landscape Plan* prepared by Chazen Engineering & Surveying, P.C, dated 12/14/11;
- *Lighting Plan* prepared by Chazen Engineering & Surveying, P.C, dated 12/14/11;
- *Site Details* prepared by Chazen Engineering & Surveying, P.C, dated 12/14/11;
- *Sanitary Sewer Details* prepared by Chazen Engineering & Surveying, P.C, dated 12/14/11;
- *Water System Details* prepared by Chazen Engineering & Surveying, P.C, dated 12/14/11;
- *Erosion & Sediment Control Details* by Chazen Engineering & Surveying, P.C, dated 12/14/11;
- *Storm Water Details* prepared by Chazen Engineering & Surveying, P.C, dated 12/14/11; and
- *Landscaping Notes & Details* by Chazen Engineering & Surveying, P.C, dated 12/14/11.
- *Traffic Impact Study* prepared by Chazen Engineering & Surveying, P.C, dated 2/1/12;
- *Title Sheet* prepared by Chazen Engineering & Surveying, P.C, revised 2/1/12;
- *Existing Conditions Survey* by Chazen Engineering & Surveying, P.C, dated 12/14/11;
- *Overall Site Plan* prepared by Chazen Engineering & Surveying, P.C, revised 2/1/12;
- *Site Plan* prepared by Chazen Engineering & Surveying, P.C, revised 2/1/12;
- *Grading & Drainage Plan* by Chazen Engineering & Surveying, P.C, revised 2/1/12;
- *Utility Plan* prepared by Chazen Engineering & Surveying, P.C, revised 2/1/12;
- *Erosion & Sediment Control Plan* by Chazen Engineering & Surveying, P.C, revised 2/1/12;
- *Fire Apparatus Access Plan* by Chazen Engineering & Surveying, P.C, revised 2/1/12;
- *Additional Parking Layout & Utility Plan* by Chazen Engineering, P.C, dated 2/1/12;
- *Landscape Plan* prepared by Chazen Engineering & Surveying, P.C, revised 2/1/12;
- *Lighting Plan* prepared by Chazen Engineering & Surveying, P.C, revised 2/1/12;
- *Quail Drive Extension Plan & Profile* by Chazen Engineering, P.C, dated 2/1/12;
- *Sanitary Sewer Plan & Profile* by Chazen Engineering & Surveying, P.C, dated 2/1/12;
- *Site Details* prepared by Chazen Engineering & Surveying, P.C, revised 2/1/12;
- *Sanitary Sewer Details* prepared by Chazen Engineering & Surveying, P.C, revised 2/1/12;
- *Water System Details* prepared by Chazen Engineering & Surveying, P.C, revised 2/1/12;
- *Erosion & Sediment Control Details* by Chazen Engineering & Surveying, P.C, revised 2/1/12;
- *Storm Water Details* prepared by Chazen Engineering & Surveying, P.C, revised 2/1/12;
- *Landscaping Notes & Details* by Chazen Engineering & Surveying, P.C, dated revised 2/1/12; and
- *Draft Amended Statement of Findings* by Lead Agency dated March 17, 2012.
- *Cover Letters* from Peter Romano, PE of Chazen Companies dated April 4 and April 16, 2012;
- *Traffic Impact Study* prepared by Chazen Engineering & Surveying, P.C, revised 3/22/12;
- *Title Sheet* prepared by Chazen Engineering & Surveying, P.C, revised 4/4/12;
- *Existing Conditions Survey* by Chazen Engineering & Surveying, P.C, revised 4/1/12;
- *Preliminary Subdivision Plat* by Chazen Engineering & Surveying, P.C, revised 4/1/12;
- *Overall Site Plan* prepared by Chazen Engineering & Surveying, P.C, revised 4/1/12;
- *Site Plan* prepared by Chazen Engineering & Surveying, P.C, revised 4/1/12;
- *Grading & Drainage Plan* by Chazen Engineering & Surveying, P.C, revised 4/1/12;
- *Utility Plan* prepared by Chazen Engineering & Surveying, P.C, revised 4/1/12;
- *Erosion & Sediment Control Plan* by Chazen Engineering & Surveying, P.C, revised 4/1/12;
- *Fire Apparatus Access Plan* by Chazen Engineering & Surveying, P.C, revised 4/1/12;
- *Additional Parking Layout & Utility Plan* by Chazen Engineering, P.C, revised 4/1/12;
- *Quail Drive Extension Plan & Profile* by Chazen Engineering revised 4/1/12;
- *Sanitary Sewer Plan & Profile* by Chazen Engineering & Surveying, P.C, revised 4/1/12;
- *Landscape Plan* prepared by Chazen Engineering & Surveying, P.C, revised 4/1/12;
- *Lighting Plan* prepared by Chazen Engineering & Surveying, P.C, revised 4/1/12;
- *Site Details* prepared by Chazen Engineering & Surveying, P.C, revised 4/1/12;
- *Sanitary Sewer Details* prepared by Chazen Engineering & Surveying, P.C, revised 4/4/12;
- *Water System Details* prepared by Chazen Engineering & Surveying, P.C, revised 4/1/12;
- *Erosion & Sediment Control Details* by Chazen Engineering & Surveying, P.C, revised 2/1/12;
- *Storm Water Details* prepared by Chazen Engineering & Surveying, P.C, revised 4/4/12;
- *Landscaping Notes & Details* by Chazen Engineering & Surveying, P.C, dated revised 4/1/12;
- *Response Letter* to Brinnier & Larios SWPPP comments by Chazen dated April 4, 2102; and

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- *SWPPP* for Ulster Gardens by Chazen Engineering & Surveying, P.C, revised 4/1/12;
- *Wetlands mapping review* by Barbara Beall, PWS, LEED AP of Chazen dated April 13,2012; and
- *SEQR Amended Statement of Findings by Lead Agency dated April 16, 2012.*
  
- *Title Sheet* prepared by Chazen Engineering & Surveying, P.C, revised 5/9/12;
- *Existing Conditions Survey* by Chazen Engineering & Surveying, P.C, revised 5/9/12;
- *Preliminary Subdivision Plat* by Chazen Engineering & Surveying, P.C, revised 5/9/12;
- *Overall Site Plan* prepared by Chazen Engineering & Surveying, P.C, revised 5/9/12;
- *Site Plan* prepared by Chazen Engineering & Surveying, P.C, revised 5/9/12;
- *Grading & Drainage Plan* by Chazen Engineering & Surveying, P.C, revised 5/9/12;
- *Utility Plan* prepared by Chazen Engineering & Surveying, P.C, revised 5/9/12;
- *Erosion & Sediment Control Plan* by Chazen Engineering & Surveying, P.C, revised 5/9/12;
- *Fire Apparatus Access Plan* by Chazen Engineering & Surveying, P.C, revised 5/9/12;
- *Additional Parking Layout & Utility Plan* by Chazen Engineering, P.C, revised 5/9/12;
- *Quail Drive Extension Plan & Profile* by Chazen Engineering revised 5/9/12;
- *Sanitary Sewer Plan & Profile* by Chazen Engineering & Surveying, P.C, revised 5/9/12;
- *Landscape Plan* prepared by Chazen Engineering & Surveying, P.C, revised 5/9/12;
- *Lighting Plan* prepared by Chazen Engineering & Surveying, P.C, revised 5/9/12; and
- *Final Subdivision Plat* by Chazen Engineering & Surveying, P.C, revised 5/14/12.

**WHEREAS**, the Town of Ulster Planning Board as Lead Agency adopted SEQR Amended Findings Statement on April 17, 2012 concerning the Proposed Action; and

**WHEREAS**, the Town of Ulster Planning Board found the proposed lot size, width, depth, shape and arrangement were determined to be appropriate for the type of development and use contemplated and there are no foreseeable difficulties, for reason of topography or other conditions, in securing building permits to build on all lots in compliance with the Site Development Law and Zoning Law, or in providing access to buildings on the proposed development lot from an approved street; and

**WHEREAS**, following the adoption of the SEQR Amended Statement of Findings the Town of Ulster Planning Board approved the Preliminary Plat and Cluster Development and set the Public Hearing on the Final Plat for its May 15, 2012 meeting; and

**WHEREAS**, the Town of Ulster Planning Board subsequently approved the Final Plat following a public hearing held on May 15, 2012; and

**WHEREAS**, the Town of Ulster Planning Board and Town Board concurrently reviewed the *site plan* and *special use permit application*, which was subsequently satisfactorily revised to address the recommendations of Board's consultants, Planning Board and the Town of Ulster Water, Sewer and Highway Departments; and

**WHEREAS**, the Planning Board and Town Board carefully considered the application materials submitted by the applicant in support of the Proposed Action, has considered the comments of the Board's consultants made via memoranda (which memoranda are incorporated herein by reference) and verbal commentary during the Planning Board's meetings and public hearing; and

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**WHEREAS**, the proposed senior housing will be situated within the R-10 Zoning District and the multi-family housing in the OM-Office Manufacturing District, where such uses are allowed subject to *site plan and special permit* approval by the Town Board; and

**WHEREAS**, the Proposed Action was referred to the Ulster County Planning Board pursuant to Section 239 l and m of NYS General Municipal Law and written comments from the UCPB were received on April 16, 2012; and

**WHEREAS**, upon review of the UCPB Required Modifications, the Town of Ulster Town Board concludes it should *override the following required modifications*:

- (1) Raised medians or other means of traffic calming are required at pedestrian crossings.
- (2) A sidewalk extending down the driveway to the connector road is also required.
- (3) The proposed connection road should be designed as a complete street with reduced lane widths as needed to accommodate bike/pedestrian area.
- (4) A location and/or shelter for para-transit pick-up is to be provided and noted on the site plan.

**NOW THEREFORE BE IT RESOLVED** the Town of Ulster Town Board endorses, ratifies, and approves the Town of Ulster Planning Board's Amended Statement of Findings and based upon said Findings makes a SEQR Determination of Non-Significance (Negative Declaration); and

**FURTHER BE IT RESOLVED**, the Town of Ulster Town Board hereby grants conditional *site plan and special permit approval* to *Warwick Properties, Inc.* to develop a 112-unit Senior Living Community and 52-Multi-family development subject to the following conditions, limitations and restrictions; and

1. Compliance with applicable zoning and building laws, rules and regulations;
2. Approval of final detailed road and utility plans by the Town Engineer and Highway, Sewer & Water Departments and Ulster County Health Department;
3. Applicant will prepare all paperwork necessary for water and sewer extension and a *hydraulic model* to verify sufficient pressure to serve the proposed development; and
4. Owner/applicant shall grant a deed of conservation easement for Conservation Easement #1, #2 and # 3 as shown on the Subdivision Map dated May 13, 2012 to the Town of Ulster, as grantee, so that the subject property that is located in the R-30 zone shall be restricted from use as residential, commercial or industrial development. The form of the conservation easement shall be subject to approval by the Town Attorney and the Town Board;
5. Owner/applicant will pay a recreation fee to the Town of Ulster in an amount to be determined by the Town of Ulster Town Board.
6. All fees, including consultant fees, shall be paid.

2<sup>nd</sup> by Councilman Brink

A Roll Call vote was taken – All Ayes

**Motion to approve the hiring of nine seasonal employees for the Highway Department**

Councilman Morrow moved to hire the following seasonal employees for the Highway Department:

<b>Employee Name:</b>	<b>Tentative Start Date</b>	<b>Rate of Pay</b>	<b>Tentative Finish Date</b>	<b>Title</b>
Jordan King	05/21/12	\$8.50	08/24/12	Laborer
Joseph Killian	05/21/12	\$8.50	08/24/12	Laborer
Daniel Killian	05/21/12	\$8.50	08/24/12	Laborer
Anthony Scarselli	06/25/12	\$8.50	08/24/12	Laborer
Jonathan McGee	06/25/12	\$8.50	08/24/12	Laborer
Michael Meyer	06/25/12	\$8.00	08/24/12	Laborer
Sean Bailey	05/21/12	\$8.00	08/24/12	Laborer
Timothy Quigley	06/25/12	\$8.00	08/24/12	Laborer
Justin Boughton	06/25/12	\$8.00	08/24/12	Laborer

2<sup>nd</sup> by Councilwoman Hendrick  
All Ayes

Councilman Morrow moved to approve the following:

**Local Law No. 2 of 2012: Burglar Alarm and Fire Alarm Local Law of the Town of Ulster.**

**CHAPTER 54. BURGLAR ALARMS AND FIRE ALARMS**

**§ 54-1. Title**

This chapter shall be known as the "Burglar Alarm and Fire Alarm Local Law of the Town of Ulster."

**§ 54-2. Administrative officials**

The Town of Ulster Building Department shall administer this chapter.

**ARTICLE I - BURGLAR ALARMS**

**54-3. Legislative Intent and Purpose**

The Town of Ulster Police Department has recorded many false burglar, hold-up, or emergency alarms emanating from automated devices. These signals require that police and other emergency services respond to the false alarm, exposing them to unnecessary hazards and risks, wasting taxpayer funds and depriving other citizens of needed emergency service. This law is intended to regulate alarm systems, thereby reducing the number of false alarms and saving taxpayer funds and protecting other citizens.

**§ 54-4. Definitions**

The following definitions pertain to this article.

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**ALARM SYSTEM** - Any device which, when activated, calls for a police or fire response and (1) transmits a signal to police or fire headquarters, (2) transmits a signal to a person who relays information to police or the fire department or (3) produces an audible or visible signal to which the police or fire department are expected to respond. Excluded from this definition and the scope of this article are devices which are designated to alert or signal only persons within the premises in which the device is installed and devices which are activated by the release of water from a sprinkler system.

**PERSON** - A natural person, firm, partnership, association or corporation or representative or agent of said entities who is the owner or lessee of an alarm system.

**POLICE CHIEF** - The Chief of the Police Department of the Town of Ulster, or his designee.

**POLICE DEPARTMENT OR POLICE** - The Police Department of the Town of Ulster

**TOWN** - The Town of Ulster.

### § 54-5. Permit Required

No person in the Town of Ulster shall operate, maintain or install an alarm system without first obtaining a permit under this local law. Excluded from the provisions of this local law are any alarm systems installed in a motor vehicle or any device designed to alert the occupants of a building of an emergency condition therein and which does not transmit, directly or indirectly, a signal to police headquarters or to a private central alarm station or produce any audible or visual or telephone signal to which the Police Department, Fire Department and or Ambulance/Medical service is expected to respond.

### § 54-6. Application for Permit

A. An application for a permit under this law shall be filed with the Town of Ulster Building Department on forms supplied by the Town, together with an application fee of One Hundred (\$100.00) dollars made payable to the Town Clerk. Said application shall set forth the following:

- (1) Name, address and telephone number of both the installer of the system and the person or business on whose premises the system will be operated, maintained, monitored or installed.
- (2) The location of and where on the premises the alarm system is proposed to be installed or has already been installed, prior to the effective date of this law, including postal or street address and directions from main road.
- (3) The type of emergency the alarm system is designed to detect.
- (4) The name, address and telephone number of at least two (2) persons who can be updated no less than yearly or when a key holder is changed.
- (5) The applicant shall agree that if the person to be notified either refuses to come to the premises upon request of the Town Police Department or a local fire department or cannot be reached within a reasonable time by telephone or otherwise, the Town Police Department or a local fire department may, without any liability for any charges as a result of disconnection, or any liability as a result of responding to alarms, do the following: contact the installer to disconnect the system.

B. The Town of Ulster Building Department shall approve such application if it finds that:

- (1) The use of the alarm system to transmit a signal, message or warning to the Town Police Department will not interfere with the orderly transaction of Town business.



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(2) The installer of the system maintains an adequate service organization to repair, maintain or otherwise service alarm systems sold or leased by him.

(3) The alarm system meets the following minimum requirements:

(a) The alarm system shall be equipped with an automatic audible signal cut-off device so that the maximum time any alarm shall cause an externally audible signal to be emanated does not exceed fifteen (15) minutes per activation.

(b) The alarm system shall be equipped with a standby power source sufficient to maintain the system in a state of readiness for at least twenty-four (24) hours in the event of a power failure, or comply with NFPA 72 standards, whichever is the longer time period.

C. The Town of Ulster Building Department may impose such other and further reasonable conditions on the granting of said permit as he may deem necessary or proper in carrying out the provisions, legislative intent and purpose of this local law. The Town of Ulster Building Department shall coordinate with the Town of Ulster Police Department in reviewing burglar alarm applications on a regular basis.

D. Permits shall not be transferable from one premise to another or from one applicant to another.

### **§ 54-7 Denial, Suspension, or Revocation of Permit**

A. The Town of Ulster Building Department may suspend or revoke an alarm permit where six (6) false or nuisance alarms have occurred within a one year period and/or where an applicant does not reasonably comply with any provision of this local law.

B. Any applicant whose application for a permit has been denied, and any person whose permit has been suspended or revoked, may appeal such denial, suspension or revocation in writing to the Town Board of the Town of Ulster within thirty (30) days after such denial, suspension or revocation and may appear before such Town Board in at a time and place to be determined by the Town Board in support of his or its contention that the permit should not have been denied, suspended or revoked. The decision of the Town Board shall be final.

C. Any reactivation of a revoked or suspended alarm permit will be subject to an administrative fee due to the Town of Ulster in the amount of \$100.00.

### **§ 54-8. Existing Systems**

All persons operating, maintaining or monitoring a presently existing alarm system must comply with all provisions of this local law within ninety (90) days after the effective date of this local law. Upon the expiration of this period, said persons shall be in violation of this local law and subject to disconnection and other penalties under this local law. If a person operating, maintaining or monitoring an alarm system on or before the effective date of this local law applies for a permit pursuant to Section 54-6 within ninety (90) days of the effective date then there shall be no application fee due. If a person operating or maintaining an alarm system on or before the effective date applies for a permit after ninety (90) days from the effective date, he or she shall be subject to the application fee.

### **§54-9. Change of Location**

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If the location of Police Headquarters should be changed at any time, the Town shall not be responsible for any expense incurred by the owner or lessee or business licensee or alarm agent for moving alarm systems or re-connecting such systems to the relocated Police Headquarters.

### **ARTICLE II - FIRE ALARMS**

#### **§ 54-10. Definitions**

Refer to National Fire Alarm Code (NFPA 72) Chapters 1-4.

#### **§ 54-12. General Provisions**

- A. All fire alarm system installations, modifications, maintenance and/or testing shall comply with the New York State Uniform Fire Prevention and Building Code, most current edition.
- B. All fire alarm systems shall be installed to the edition of the National Fire Alarm Code (NFPA 72) that is in effect.
- C. All fire alarm system work shall be done by a licensed New York State fire alarm company.
- D. All companies proposing to do fire alarm system work shall have a copy of their current New York State fire alarm license on file with the Town Clerk and the Town of Ulster Building Department prior to conducting any alarm work in the Town of Ulster.
- E. All companies shall submit, in writing, to the Town of Ulster Building Department, all proposals, including the scope of the work to be performed and all equipment to be used for review and approval before any work is started. Upon completion of said work the company shall demonstrate and test the system with a representative of the Town of Ulster Building Department present for final approval.
- F. All fire controls and peripheral devices shall be of applicable grade and quality in accordance with UL/864 requirements. All initiating devices shall be zoned to a remote annunciator panel for viewing by the occupants and the applicable local fire company. The alarm panel, and an as-built construction document box, shall be easily accessible to the applicable local fire company.
- G. All fire suppression and/or sprinkler systems shall report to the new fire controls on separate points. All smoke, heat-detecting and pull stations shall report on separate points. All sprinkler systems shall be monitored by the UL Central Station. All commercial fire alarm systems shall be UL listed, and shall be issued a certificate or other document issued by an organization which has listed the alarm service company that is maintaining the system. This document shall be filed with the Town of Ulster Building Department and shall be renewed annually.
- H. Depending on building size, layout, and/or occupancy, the building owner/occupant may opt to install a minimum of one interior fire alarm pull station where not required by the Code.
- I. Upon final approval, the company shall prepare and submit a written record of completion as per the National Fire Alarm Code, along with all documents required by Section 907 of the New York State Building Code.
- J. Every system shall have a minimum of one interior and one exterior ADA approved horn/strobe alerting device and installed per NFPA 72.
- K. All fire alarm systems shall report to a central station that has been listed or approved by an organization through an initial qualifying evaluation and conducts systematic follow up examinations. The central station must be located in New York State.

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L. All fire alarm companies shall supply proof of a twenty-four-hour emergency service department capable of responding to a trouble or alarm within one hour of the reported condition.

M. All fire alarm companies shall maintain a current listing of the building owner, tenant and point of contact. This list shall include the names and phone numbers of key holders who are capable of responding on a seven-day, twenty-four-hour emergency notification. This list shall be updated at least annually and submitted in duplicate for the Town Clerk and the Town of Ulster Building Department.

N. All fire alarm activations shall be treated as an actual alarm, which shall require the central station to immediately notify the applicable local fire company.

O. All fire alarm systems shall be registered with Town Clerk and the Town of Ulster Building Department. All commercial building owners having fire alarm systems shall also install a Knox Box secure key entry system. The applicable local fire company shall have the only keys to this system. The owner shall be responsible for updating the correct keys for storage.

P. Each fire alarm system shall have annual test and maintenance certificate by a New York State licensed fire alarm company. Said certificate shall be filed annually with the Town of Ulster Building Department by the building owner.

### **§ 54-12. Registration of Fire Alarm Systems**

(A) A one-time Registration shall be required for Fire Alarm Systems and whenever a Record of Completion is prepared, in accordance with NFPA 72.

(B) The Owner shall be required to re-register whenever there is a change in the Fire Alarm Business responsible for maintaining, servicing, and/or monitoring the Fire Alarm System.

(C) Registrations shall not be transferable from one Premises to another or from one Owner to another.

(D) Every Fire Alarm Business shall notify the Enforcement Official of the existence of a Fire Alarm System prior to the Fire Alarm System being put into operation. It shall be the responsibility of the installing Fire Alarm Business to provide the Owner with notice of the existence of this ordinance, a Registration form and a copy of the Fire Alarm System operation instructions in accordance with NFPA 72, and the manufacturer's instructions.

(E) The Registration form shall include the following information:

(1) The name(s), address of the Premises, mailing address (if different from the address of the Premises), business and home telephone number of the Owner, lessee, operator, manager or person in possession of the Premises wherein the Fire Alarm System is installed.

(2) The name, address and telephone number of a minimum of two (2) persons who can be notified by the Town of Ulster Building Department, in the event of the activation of the Fire Alarm System, who shall be capable of responding to the Premises within one (1) hour, and who are authorized to enter the Premises to ascertain the status thereof.

(3) The name, address and telephone number of the Fire Alarm Business which has contracted to service the Fire Alarm System and proof of proper state licensing/registration with the Town of Ulster Building Department, if required. Proof of proper state licensing may be a valid state licensing number.

(4) The date the Registration is signed or the Fire Alarm System is placed in operation for any reason.

(5) Any other documentation that is required by NFPA 72.

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(F) When any of the information required in Section 54-13(E) has changed, it shall be reported to the Town of Ulster Building Department by the Owner within fifteen (15) days of the Owner becoming aware of such change;

(G) The Owner shall complete and deliver the Fire Alarm System Registration in the required format to the Town of Ulster Building Department before the Fire Alarm System is activated or placed into service. The Fire Alarm Business, when authorized by the Owner, may assist the Owner in accomplishing this submission of the Fire Alarm Registration to the Town of Ulster Building Department.

### **§ 54-13. System Certification**

All newly installed or re-certified commercial Fire Alarm Systems shall be approved by the Town of Ulster Building Department. The certification shall indicate that the Fire Alarm System is in compliance with NFPA 72.

### **§ 54-14. Inspection, Testing and Maintenance**

(A) The Owner shall ensure that all Fire Alarm Systems are inspected and tested at least once per year in accordance with NFPA 72.

(B) The Owner shall ensure that all Fire Alarm Systems are periodically maintained per manufacturer specifications and NFPA 72.

### **§ 54-15 Denial, Suspension, or Revocation of Permit**

A. The Town of Ulster Building Department may suspend or revoke a Registration for a Fire Alarm System where an undue number of false alarms have occurred and/or where an applicant does not reasonably comply with any provision of this local law.

B. Any applicant whose Registration has been denied, and any person whose Registration has been suspended or revoked, may appeal such denial, suspension or revocation in writing to the Town Board of the Town of Ulster within thirty (30) days after such denial, suspension or revocation and may appear before such Town Board in at a time and place to be determined by the Town Board in support of his or its contention that the permit should not have been denied, suspended or revoked. The decision of the Town Board shall be final.

C. Any reactivation of a revoked or suspended Registration will be subject to an administrative fee due to the Town of Ulster in the amount of \$100.00.

### **§ 54-16. Existing Systems**

All persons operating, maintaining or monitoring a presently existing Fire Alarm System must comply with all provisions of this local law within ninety (90) days after the effective date of this local law. Upon the expiration of this period, said persons shall be in violation of this local law and subject to disconnection and other penalties under this local law. If a person operating, maintaining or monitoring a Fire Alarm System on or before the effective date of this local law applies for a permit pursuant to Section 54-13 within ninety (90) days of the effective date then there shall be no application fee due. If a person operating or maintaining an alarm system on or

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before the effective date applies for a permit after ninety (90) days from the effective date, he or she shall be subject to the application fee.

### ARTICLE III - ENFORCEMENT

#### § 54-17. Enforcement procedure

A. This article shall apply to both burglar alarms and fire alarms. After responding to a burglar alarm or a fire alarm that is determined to be a false alarm or nuisance alarm, the applicable local fire company, the Town of Ulster Police Department, and/or Ulster County 911, shall file a report of the same with the Town of Ulster Building Department.

B. False alarms and/or nuisance calls.

(1) A "false alarm" or "nuisance alarm" shall be defined as follows:

(a) The activation of a burglar and/or a robbery alarm for the purposes of summoning the police at a time when no burglary or robbery is being committed or attempted on the premises; or

(b) The activation of a fire alarm caused by defective or improperly maintained equipment for the purpose of summoning the fire department at a time when no fire or emergency is occurring.

(2) The "Alarm Appeal Board" shall be defined as follows:

(a) There shall be in the Town of Ulster an Alarm Appeal Board which shall have the powers and duties granted to it under this article. The Alarm Appeal Board shall consist of the Town of Ulster Town Board.

(3) Each owner of an alarm system shall report any unresolved and/or unrepaired "Trouble" signals to the Town of Ulster Building Department within eight (8) hours.

(4) All alarm systems which employ an audible signal or flashing light beacon designed to signal persons outside the premises must be deactivated and silenced automatically within fifteen (15) minutes.

(5) Emergency officials are hereby authorized to disable an audible alarm signal that has not been silenced within fifteen (15) minutes and neither the Town of Ulster, its officers and employees, or police and fire officials, shall be liable for any damage which may result from disabling an audible alarm signal as herein provided.

C. Civil Penalties

(1) An owner of an alarm system shall be liable for the following civil penalties for prohibited false alarms during the calendar year:

First and Second false alarm Warning Letter Only

Third False Alarm \$250.00

Fourth False Alarm \$400.00

Fifth false alarm \$600.00

Sixth or more false alarms \$800.00

(2) Any person who fails to register his or her alarm system or whose alarm system violates the standards set forth in this chapter hereof, shall be liable for a civil penalty of \$250.00.

D. Hearing Provisions

(1) Whenever the Town of Ulster intends to impose a civil penalty for a violation of this Law, the Town of Ulster Building Department shall give at least twenty (20) days advance written notice to the alleged violator by first class mail. The notice shall state the basis for the civil penalty and advise the alleged violator of the right to request in writing a hearing by the Alarm

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Appeal Board within such twenty (20) day period. The request shall specify the reasons why a civil penalty should not be imposed.

(2) Written notice of the time and place of the Alarm Appeal Board hearing shall be sent to the alleged violator by first class mail at least twenty (20) days prior to the date set for the hearing. An Alarm Appeal Board hearing shall be scheduled within at least sixty (60) days of a request for such hearing.

(3) At the Alarm Appeal Board hearing, the alleged violator shall have the right to confront and examine witnesses and present evidence on his own behalf. After the hearing, the Alarm Appeal Board shall issue a written decision setting forth its findings and determinations.

(4) The decision of the Alarm Appeal Board shall be reviewable pursuant to Article 78 of the Civil Practice Law and Rules.

(5) The Alarm Appeals Board, subsequent to any appeal having been finally determined, may bring an action to recover the civil penalty provided in this article.

(6) In the event the alleged violator fails to request a hearing, the Town of Ulster shall have the right to impose the civil penalty prescribed for the violation.

(7) The Town of Ulster shall not impose a civil penalty more than two (2) years after the occurrence of the acts forming the basis of the violation.

E. Civil penalties and/or injunctive relief may also be recovered in any action or proceeding brought by the Town Attorney, working with the Town of Ulster Building Department, in any court of competent jurisdiction.

### **§ 54-18. Fees**

All installation, connection, maintenance and monitoring fees shall be at the expense of the owner/occupant.

### **§ 54-19. Records**

A. All information on applications pertaining to false alarms shall not be deemed confidential insofar as it is necessary to conduct any litigation under this chapter or to be provided to appropriate officials for fire protection purposes.

B. The Town of Ulster Building Department shall retain all records regarding applications, false alarm reports, investigations and other data necessary for compliance with this chapter.

## **ARTICLE IV - BUILDING CONSTRUCTION**

### **§ 54-20. Fire Alarm Systems in Building Construction**

A. All commercial buildings shall contain smoke and heat detection devices in accordance with the Fire Code of New York State.

B. Prior to issuance of a building permit, each builder shall submit three sets of proposed plans to the Town of Ulster Building Department depicting the fire alarm system prepared by a New York State licensed design professional (engineer, architect, NICET III or higher, or fire protection engineer).

C. All multiple-family dwellings shall have smoke detectors as follows:

(1) Smoke detectors shall be intelligent, addressable, and be part of the primary system.

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(2) One smoke detector for each common hallways and/or corridors, spacing to meet or exceed NFPA 72.

(3) In storage areas exceeding 50 square feet, a minimum of one smoke detector and as many as may be necessary consistent with the manufacturer's specifications and recommended area of coverage.

(4) Smoke detectors shall be connected to a central station monitoring facility that is "listed" by Underwriters Laboratory (UL), or any other nationally recognized testing agency, and approved by the Town of Ulster Building Department.

(5) Heat detectors shall be installed in boiler rooms, based on spacing requirements of NFPA 72.

D. All buildings used for commercial purposes with an occupancy of fifty (50) or more shall have smoke detectors connected to a central station monitoring facility as defined by NFPA 72 and approved by the Town of Ulster Building Department. An automatic fire alarm system is required. This system shall consist of, but not be limited to, pull stations, smoke or heat detectors, elevator recalls, notification devices (horn/strobe).

E. Plans shall be submitted and a fire alarm system shall be installed for any existing building, structure or occupancy, except a one- or two-family residence, which does not contain a fire alarm system conforming to NFPA 72, and the Fire Code of New York State standards where the total floor area is increased by 50% or more or for which the cost of any alterations, additions or repairs made within a six-month period exceeds 50% of the cost of replacement of the building at the beginning of that six-month period or where the use is converted to an A occupancy, as defined by the Building Code of New York State and the Fire Code of New York State.

F. No certificate of occupancy shall be issued for occupancy or the use of any building, structure or portion thereof required to have a fire alarm system unless such system is installed, inspected, tested and approved in accordance with the Fire Code of New York State, NFPA the Ulster Town Code standards, and submitted and approved plans.

### **§ 54-21. Severability**

In any section, subsection, sentence, clause, phrase, or work of this Local Law is for any reason held to be invalid by any court of competent jurisdiction, such decision shall not affect the validity of the remaining provisions of this ordinance.

### **§ 54-22. When effective**

This Local Law shall take effect upon filing in the office of the New York State Secretary of State in accordance with Section 27 of the Municipal Home Rule Law and become operative on July 1, 2011.

2<sup>nd</sup> by Councilwoman Hendrick  
All Ayes

**Resolution of the Town Board of the Town of Ulster Authorizing the Execution and Submission of a Petition to the New York State Department of State, Codes Division, Authorizing more restrictive Local Standards**

Councilman Morrow moved to approve the following:

**RESOLUTION OF TOWN BOARD OF THE TOWN OF ULSTER AUTHORIZING THE  
EXECUTION AND SUBMISSION OF A PETITION TO THE NEW YORK STATE  
DEPARTMENT OF STATE, CODES DIVISION,  
AUTHORIZING MORE RESTRICTIVE LOCAL STANDARDS**

**WHEREAS**, the Town Board of the Town of Ulster ("Town Board") adopted Local Law No. 2 of 2012 which amended Chapter 54 of the Town of Ulster Town Code [Fire Alarms and Burglar Alarms]; and

**WHEREAS**, portions of Local Law No. 2 of 2012 amending Chapter 54 of the Town of Ulster Town Code are more restrictive than the New York State Uniform Fire Prevention and Building Code regarding the use of fire alarm systems in building construction, specifically mandating, *inter alia*, that in multiple-family dwellings, (1) smoke detectors shall be intelligent, addressable, and be part of the primary system; (2) one smoke detector for each common hallways and/or corridors, spacing to meet or exceed NFPA 72; (3) in storage areas exceeding 50 square feet, a minimum of one smoke detector and as many as may be necessary consistent with the manufacturer's specifications and recommended area of coverage; (4) smoke detectors shall be connected to a central station monitoring facility that is "listed" by Underwriters Laboratory (UL), or any other nationally recognized testing agency, and approved by the Town of Ulster Building Department and (5) heat detectors shall be installed in boiler rooms, based on spacing requirements of NFPA 72; and

**WHEREAS**, the legislative intent behind said Local Law was to protect the safety and public welfare of town residents, specifically those residents residing in senior citizen housing or other multiple-family dwellings, by mandating a state-of-the-art, integrated fire alarm system in all new multiple-family dwellings; and

**WHEREAS**, the Town of Ulster retained the services of a fire alarm system consultant in 2010 who recommended that the Town of Ulster revise its Town Code in order to be able to legally require more restrictive standards in fire alarm systems than the New York State Uniform Fire Prevention and Building Code; and

**WHEREAS**, the Town conducted a public hearing on the 19<sup>th</sup> day of April, 2012, pursuant to advance public notice duly published in the official newspaper of the Town, for the purposes of obtaining citizens' views prior to the adoption of Local Law No.2 of 2012; and now, therefore,

**BE IT RESOLVED**, that the Town Board of the Town of Ulster hereby authorizes the Town Supervisor and the Town Attorney to execute and file a Petition to the New York State Department of State, Codes Division, with the required supporting documents, seeking to authorize the more restrictive local standards as codified in Chapter 54 of the Town Code of the Town of Ulster; and be it further

**RESOLVED** that Town Supervisor and Town Attorney are authorized to provide any such additional information as may be required to complete the Petition process; and be it further



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**RESOLVED**, this Resolution shall become effective when adopted.

2<sup>nd</sup> by Councilwoman Hendrick  
All Ayes

**Public Hearing for the Correction of a Structure located on Belvedere Ln in Glenerie  
Owned by Michael Costello**

Supervisor Quigley opened the public hearing at 7:35 PM

Building Inspector, Paul Andreassen, gave an overview of the property. The structure needs to have its problems addressed or be taken down. He has received several complaints in regard to people trespassing and people dumping on the property.

Mr. Michael Costello, the property owner, reported that people dump their junk on the property and he cleans it up. He also has boarded up the property and people keep ripping the boards down. He has a site plan approval and he just waiting for a buyer to improve the property. There is no electric in the building and he can't afford to tear it down.

Town Attorney, Jason Kovacs, requested that the public hearing be adjourned for 30 or 60 days to preserve the record and to see if there is any improvement to the site.

Councilman Brink moved to adjourn the hearing for 60 days at 7:44 PM

2<sup>nd</sup> by Councilwoman Hendrick  
All Ayes

**Kingston Landing Development, LLC for permission to obtain access to a 0.5 acre parcel to  
be approved by the Town of Ulster Planning Board, by right-of-way, pursuant to § 280-a(4)  
of the Town Law of the State of New York**

Supervisor Quigley opened the public hearing at 7:45 PM

Town Attorney, Jason Kovacs, reported that Kingston Landing Development, LLC is looking to develop the old brick yard area for a housing project. They have an area set aside to install a water tower for the East Kingston Water District. This will be deeded over to the town. It doesn't have access to any public road as required by law, so they are seeking a right-of-way and the town needs to declare this open development area. The open development area will allow the developer to created parcels that don't have access to a public road.

Councilwoman Hendrick motioned to open the hearing for public comment at 7:47 PM

2<sup>nd</sup> by Councilman Brink  
All Ayes

There was no public comment.

Councilwoman Hendrick motioned to close the hearing for public comment at 7:48 PM

2<sup>nd</sup> by Councilman Kitchen

All Ayes

**Discussion on Katrine Lane CSX Railroad Crossing**

Robert Rohauer, the CSX Community Affairs and Safety Representative, reported to the Town Board that they are in the process of upgrading and repairing various railroad crossings in the area. A discussion occurred about turning a temporary road into a permanent one and closing down the crossing at Katrine Lane that would serve all the parties involved. The closing would improve the quality of life, as no horns would need to be blown, as they are required to honk the horn before passing a crossing. It would also be safer, as no vehicles would be crossing the tracks. Having another exit would prevent people from being gated in when the crossing is closed or when a train stops on the tracks. Further discussion would occur about what money could be contributed to the crossing closing and of the roadway construction costs. They could also offer in kind services.

Supervisor Quigley stated that there may be a special meeting to address this issue.

**Reset the public hearing for Walrus Properties to June 7, 2012 at 7:15pm**

Councilwoman Hendrick moved to reschedule the public hearing for Walrus Properties to June 7, 2012 at 7:15pm

2<sup>nd</sup> by Councilman Brink

All Ayes

**Motion authorizing the Supervisor to sign the Retainer Agreement for Roemer Wallens Gold & Mineaux LLP for Legal Services for the three year period ending 2015**

Councilman Brink moved to authorize the Supervisor to sign the Retainer Agreement for Roemer Wallens Gold & Mineaux LLP for Legal Services for the three year period ending 2015

2<sup>nd</sup> by Councilman Kitchen

All Ayes

**Resolution establishing Open Development Area for a parcel of land in the Hudson Landing Project owned by Kingston Landing Development, LLC. SBL 48.16-3-12. For the benefit of the Town of Ulster and the East Kingston Water District**

Councilman Morrow moved to approve the following:

**RESOLUTION ESTABLISHING OPEN DEVELOPMENT AREA**

WHEREAS, Kingston Landing Development, LLC has applied to the Town of Ulster Planning Board for a lot line adjustment and a 2 lot minor subdivision to allow for the construction of a water storage tank on a 0.5 acre parcel to be created for the purpose of conveyance to the Town of Ulster f/b/o East Kingston Water District, and

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WHEREAS, said 0.5 acre parcel to be created will not directly abut on any public street or highway in order to allow ingress and egress of fire trucks, ambulances, police cars and other emergency vehicles, and

WHEREAS, said 0.5 acre parcel shall have access from First Avenue to said premises through an Access and Utility easement;

NOW, THEREFORE, BE IT RESOLVED by the Town Board of the Town of Ulster, in regular session duly convened, as follows:

1. Open Development Area No. 2012-01 of the Town of Ulster be and the same hereby is established consisting of the current Tax Map. No. 48.16-3-12 such that the Town of Ulster Planning Board can, by general or special rule, establish such conditions and such limitations as said Planning Board may deem appropriate in order to permit the erection of any structures – for utility purposes only – hereafter to which access is to be given by means of said right-of-way.
2. This Resolution shall take effect immediately.

2<sup>nd</sup> by Councilwoman Hendrick  
All Ayes

**Public Comment**

Mr. Robert Barton inquired about the status of the Town Hall Building.

Supervisor Quigley stated that the town engineer is still working on the drain issue.

**Executive Session**

Councilman Kitchen moved to enter into executive session at 8:08 PM to discuss compensation in regard to employment history.

2<sup>nd</sup> by Councilman Brink  
All Ayes

Supervisor Quigley resumed the regular meeting at 9:00 PM

Councilman Morrow moved to approve the rate of pay as originally submitted by the Departments Heads, to amend the motion that was approved at the April 5, 2012 Town Board meeting to reflect that and to retroactively pay the employees' wages that were hired.

2<sup>nd</sup> by Councilman Brink  
All Ayes

Councilman Morrow motioned to adjourn the meeting at 9:01 PM

2<sup>nd</sup> by Councilman Kitchen  
All Ayes

Respectfully Submitted by  
Jason Cosenza, RMC FHCO - Ulster Town Clerk